



GEELONG
CITIZENS' JURY

DEMOCRACY IN GEELONG - BACKGROUND PAPER

How do we want to be
democratically represented
by a future council?



VICTORIA
State
Government

Environment,
Land, Water
and Planning



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ISBN 978-1-76047-223-8 (Print)

ISBN 978-1-76047-224-5 (pdf/online)

Accessibility

If you would like to receive this publication in an alternative format, please contact the Local Government Act Review Secretariat: email local.government@delwp.vic.gov.au or phone (03) 9948 8518. This publication is also available on the internet at www.yourcouncilyourcommunity.vic.gov.au.

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1 INTRODUCTION

Notes on this paper:

This **Background Paper** has been prepared by Local Government Victoria (LGV) and covers some of the ideas for the “**practical**” options for a future electoral structure for Greater Geelong. Practical is defined as being compliant with Victoria’s local government legislative framework.

The **Supplementary Paper** provides some other ideas and options from academics in Australia and internationally that reflect “**aspirational**” thinking about ways to potentially improve local democracy in Greater Geelong.

Note from newDemocracy Foundation on the sources of information in this paper:

This document is your first step in getting enough background to make an informed decision. We encourage you to remember that there is no perfectly neutral information – every document has an author with a point of view who makes decisions about what to include and leave out. As you read, do so with a critical eye. Think about questions you may want to ask or other sources you may want to hear from in order to challenge or verify a view.

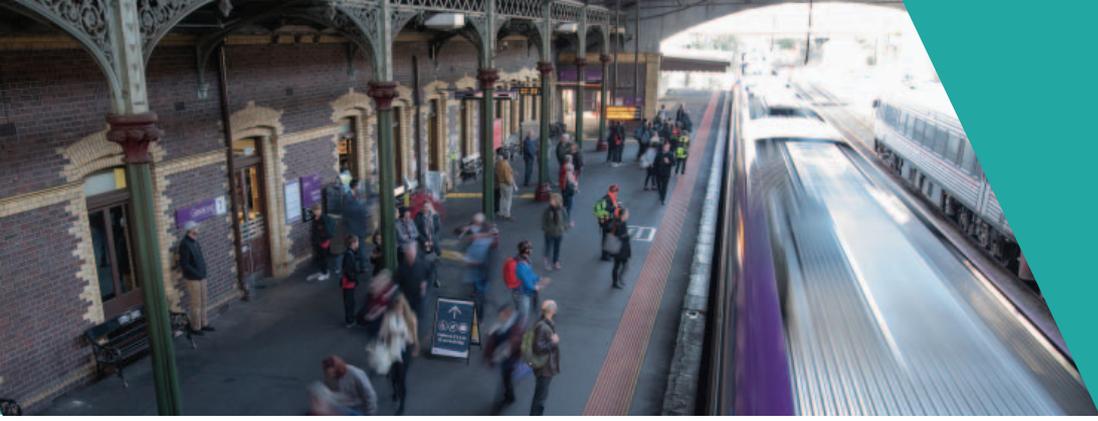
1.1 What has happened to bring Greater Geelong to this point?

There have been a number of recent investigations and reviews at Greater Geelong City Council (the council) based on events over the last decade. These investigations and reviews have found deep-seated cultural and corporate governance issues at the council. Where relevant, their findings and recommendations are referred to in other parts of this paper. Additionally, the Victorian Electoral Commission (VEC) recently conducted an electoral representation review for the council and made its final report in mid-March 2016.

The findings from three recent investigations and the VEC review are summarised in this section.

Greater Geelong City Council Community Priorities Scheme Investigation

The Local Government Investigations and Compliance Inspectorate (Inspectorate) conducted an investigation into the council’s *Community Priorities Scheme (Scheme) in 2014*. The Scheme was a type of councillor discretionary funding program enabling ward councillors to allocate council funds to projects within their own wards. The Inspectorate found that the Scheme allowed ward councillors to act without transparent and accountable decision making in their allocation of a significant amount of funding (\$59 million) between 2005 and 2013. The council discontinued the Scheme and councillor discretionary funding was prohibited following an amendment to the Local Government Act in 2015 based on the Inspectorate’s recommendations in the Inspectorate Report into discretionary funding published in October 2013.



Workplace Culture Review

A *Workplace Culture Review* was undertaken at the council in 2015 at the request of the Minister for Local Government. This was in response to public allegations of bullying at the council. The review was conducted by Ms Susan Halliday, the former Sex and Disability Discrimination Commissioner. Her report included the results of an independent Culture Review Quantitative Report by EY Sweeney. It identified serious cultural and governance issues at the council, including bullying, inadequate handling of complaints, breaches of the Councillor Code of Conduct by councillors initiating contact with and instructing lower level staff in the performance of their duties, sexist and aggressive conduct and a lack of understanding of basic governance principles by councillors, including conflict of interest.

Commission of Inquiry into Greater Geelong City Council

In response to the findings from the Workplace Cultural Review, the Minister for Local Government established an independent *Commission of Inquiry* to inquire into the adequacy of the governance arrangements at the council. The Commission of Inquiry found that the council was dysfunctional. It made 12 recommendations (see Appendix 3), four for government and eight for the council administration. The government accepted all recommendations from the report and introduced legislation to implement three of the four recommendations for government. These three recommendations were to dismiss the elected council and appoint administrators, implement a directly elected deputy mayor to support and share the workload with the directly elected mayor and implement multi-councillor wards.

VEC electoral representation review

This review was required under legislation and included the number of councillors and the electoral structure of the council (whether the council should be unsubdivided or divided into wards and, if subdivided, the details of the wards). The VEC could not consider the positions of mayor or deputy mayor in its review. The legislation also required a reduction in councillors from 13 (including the mayor) to a maximum of 12 for the next general elections onward. In its *final report*, the VEC recommended the council consist of 11 councillors elected from three three-councillor wards and one two-councillor ward, in addition to the mayor.

1.2 Why is the community being consulted and what influence will it have?

In April 2016, the Victorian Parliament passed legislation to dismiss the council and provide for the election of a new council in October 2017. During the debate of this legislation, the government committed to consult the Greater Geelong community about the structure of its future elected council.

The citizens' jury is the primary method the government has selected to consult the community.

Citizens' juries are powerful examples of deliberative democratic engagement. Deliberation is a balance of two key elements: the broadest array of information available, and an equal opportunity for participants to share their views and contribute to the discussion and debate. Citizens' juries involve selecting a random sample of people, providing them with access to information and expertise about the matters they are considering and the time to discuss the issues and reach an agreed position. The jury then reports their findings which the government then uses when making decisions about the matters.

The structure of a future elected council is not a simple matter. The question of the best structure cannot be resolved through posing one or two basic questions and so is not amenable to a referendum. A citizens' jury will enable the community to be fully informed of the issues and options, to put forward its views and ideas and to deliberate and decide what it wants and expects from its future council.

Local Government Victoria (LGV) has commissioned the independent specialist group new Democracy Foundation (nDF) on behalf of the Minister for Local Government, the Hon Natalie Hutchins MP, to select the jury and oversee the process to bring together a random but representative group of 100 residents to make recommendations to the Minister. The nDF was selected because it is a non-partisan, not-for-profit research organisation that specialises in deliberative engagement for innovation in democracy. It has prepared a process design document which clearly outlines the approach for the Geelong citizens' jury, which is summarised in Figure 1.

The Minister's commitment signals her intent to act on the jury's recommendations. But it also reflects the Victorian Parliament's role in passing legislation to implement any changes for Greater Geelong and the broad potential of any aspirational recommendations made by the jury.

Greater Geelong is breaking new ground with its citizens' jury. No other Victorian community has had the opportunity to influence its council's structure to this extent. This is an incredible opportunity for the jury and other members of the Greater Geelong community to participate in and have their voice heard in a decision that will have an impact on the whole community.

1.3 Overview of the community consultation approach

1.3.1 What is the purpose of this consultation?

The government intends that as a result of this consultation:

- the community supports and has confidence in its council
- the way the council is elected improves democracy in Greater Geelong
- the way the council is elected contributes to improved governance at the council.

Specifically, this consultation will:

- identify the preferences and aspirations of the community for its future council through an informed engagement process
- enable the community to reach agreement on the way its future council is elected
- improve the standing of the council as an important part of the community
- as a minimum, provide the Minister for Local Government with recommendations that are consistent with the Victorian local government legislative framework
- inform the Minister for Local Government of community views about any other ideas about how local democracy can be improved.

1.3.2 How will the community's views be heard?

The consultation process involves stakeholder workshops, community engagement activities and a call for submissions as input to the deliberations of the citizens' jury.

Figure 2 outlines the key steps in the consultation process, including the citizens' jury.

Figure 1: Scope of The Citizens' Jury

“Our council was dismissed. How do we want to be democratically represented by a future council?”

THE JURY CAN MAKE **TWO TYPES** OF RECOMMENDATIONS:

1 **Practical** recommendations that reflect an electoral structure compliant with the Victorian local government legislative framework

The **practical recommendations** are intended as a minimum requirement for the jury rather than a constrained scope. Given the practical recommendations are based on a structure compliant with the Victorian local government legislative framework, they have a very clear scope.

In making practical recommendations, the jury will therefore consider:

- how the mayor is elected
- if a deputy mayor is needed, and if so, how they are elected
- the number of councillors
- whether the municipality should be unsubdivided or divided into wards if it is divided into wards, the ward structure (for example, single or multi-member wards and boundaries)

2 **Aspirational** recommendations that might not be compliant with the Victorian local government legislative framework, including other ideas about how local democracy can be improved.

In making any **aspirational recommendations**, the jury will be able to consider academic submissions, feedback and ideas from the wider Greater Geelong community and expert and nominated stakeholder speaker presentations.

THE MINISTER'S COMMITMENT TO THE JURY IS TO:

- Table the unedited jury report in Parliament
- Submit to Cabinet the outcomes of the jury's deliberations
- Consider aspirational recommendations in future reviews of local government legislation
- Respond to the jury, including providing the government's response

Figure 2: Overview of Key Stages of Community Consultation

Stage	Activities	Products
<p>1</p> <p>Stakeholder briefings (August 2016)</p>	<ul style="list-style-type: none"> • Identify and prepare key background materials • Provide an overview of the process and opportunities for participation • Nomination of speakers for the first jury meeting • Input into the wider community engagement approach 	<ul style="list-style-type: none"> • Background Paper • Academic Submissions • List of speakers for the first jury meeting
<p>2</p> <p>Broad community engagement (September – October 2016)</p>	<ul style="list-style-type: none"> • Media distribution of background materials • Local engagement events • Online engagement activities • Community submissions and feedback 	<ul style="list-style-type: none"> • “What We Heard” Report (community feedback summary) • Community submissions
<p>3</p> <p>Citizens’ jury (29 October, 12 November and 26 November)</p>	<ul style="list-style-type: none"> • Three facilitated Saturday meetings • Review of background materials and community feedback and submissions • Development of recommendations and report 	<ul style="list-style-type: none"> • Jury Report 
<p>4</p> <p>Minister’s response (March 2017)</p>	<ul style="list-style-type: none"> • Respond to the jury, including providing the government’s response • Demonstrate how the jury’s recommendations and community consultation has influenced the government’s decision 	<ul style="list-style-type: none"> • Cabinet submission • Tabling of Jury Report in Parliament

Stakeholder briefings (August 2016)

Approximately 200 representatives from key community organisations, interest groups and the media were invited to attend briefing sessions on 3 August to hear and ask questions about the citizens' jury process. These stakeholders were key stakeholders known to LGV and the council. Stakeholders were asked to forward the invitation to any and all people and organisations that might be interested to attend. During the session, stakeholders were asked to nominate speakers for the jury's first meeting. A follow up survey was sent to this stakeholder group to nominate the top five speakers for the jury's first meeting.

Broad community engagement (September – October 2016)

The wider community is an important source of perspectives, ideas and information. **All members of the wider community** will have **at least three** opportunities to participate and have their views considered by the community and the jury:

1. Local events in September and October 2016 will provide the community with information and generate discussion, feedback and ideas about both practical and aspirational options for a future council. The events will target key communities of interest, including CALD, Aboriginal, youth, women, etc. and be held in a number of different locations across Greater Geelong. These events will be conversational to reflect the broader informed engagement principle. Community members will also be supported to have their own local conversations about what matters to them.

2. Vote Democracy Geelong will enable members of the community to identify their preferred structure for a future council. The simple survey will ask respondents questions about their values in terms of democratic representation and good governance to then reveal their preference for an electoral structure. The survey will be open to all members of the community throughout September and October and accessible through the Geelong's Citizen's Jury website www.geelongcitizensjury.vic.gov.au.

3. Community submissions can be provided **via the dedicated website** throughout the consultation process. These will be made available for the community and jury's consideration. This paper, the Supplementary Paper, all academic submissions, all documents referred to in this paper and local submissions from the community will all be available on www.geelongcitizensjury.vic.gov.au. Members of the community can also subscribe to receive updates about the consultation process.

Citizens' jury (29 October, 12 November and 26 November)

The jury will meet over three Saturdays and consider a range of materials as it deliberates to arrive at its recommendations and final report:

1. This Background Paper and referenced materials
2. The Supplementary Paper (academic submissions)
3. Community feedback and submissions made during the community engagement stage in September and October 2016
4. Presentations from speakers nominated during the Stakeholder briefings on 3 August 2016
5. Presentations from speakers nominated by the jury itself, including members of the wider community based on information included in community submissions and other materials considered by the jury.

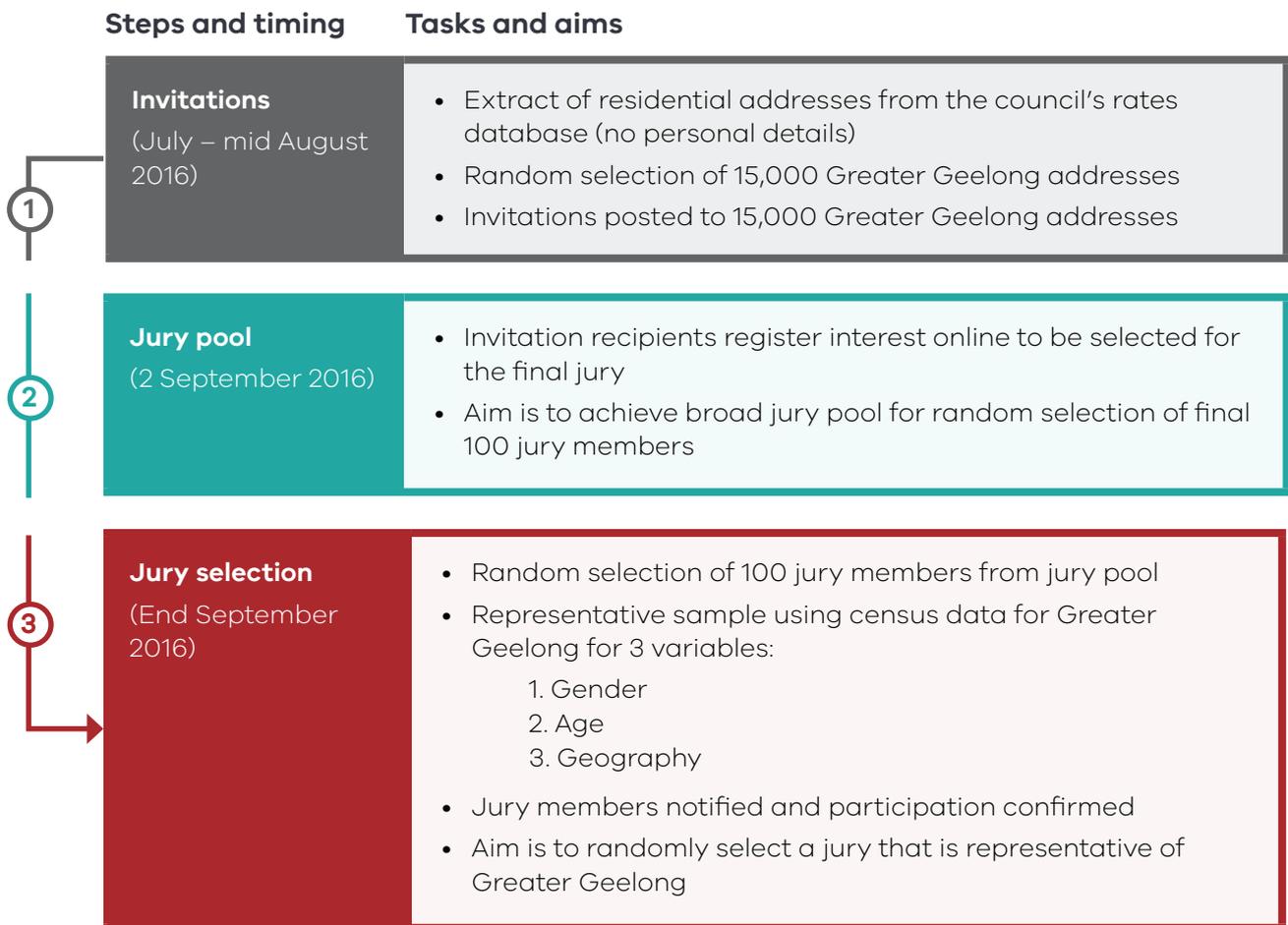
1.3.3 How is the jury selected?

The jury is independently selected by the newDemocracy Foundation. LGV and the Minister for Local Government have no part in the selection and LGV will only meet the jury at its first meeting.

The jury will comprise 100 residents **randomly** selected but **representative** of the Greater Geelong community.

Figure 3 explains how the jury will be selected.

Figure 3: Selection of the Jury



1.4 About this paper and supporting documents

1.4.1 Background Paper – Supporting practical recommendations

LGV has prepared this **Background Paper** for the jury and the broader Greater Geelong community. Its aim is to provide information about the community consultation and representative structures, as well as some ideas and options for electoral structures that are within the current Victorian legislative framework to support the discussion about any **practical** recommendations for an electoral structure for Greater Geelong.

This paper summarises information, views and arguments about various aspects of electoral structures. LGV does not endorse any particular option. Rather, the paper aims to impartially summarise the various opinions and arguments as an input to the community consultation and the jury’s deliberations.

This paper refers to a number of key documents that the community and citizens’ jury will find useful for their deliberations. Below and throughout the paper, these documents are highlighted in blue and underlined. If you are viewing this paper electronically, click on the blue underlined words to hyperlink to the document via the internet. The hyperlinks for each document are also provided in the ‘References’ section.

1.4.2 Supplementary Paper – Supporting aspirational recommendations

newDemocracy has commissioned academic submissions to stimulate and inform some of the options and ideas about how to improve local democracy that might not be compliant with Victoria’s local government legislative framework to support any **aspirational** recommendations.

The **Supplementary Paper** collates some of the submissions from academia made before the wider community consultation commenced on 5 September 2016 as a companion document to this paper. In some instances, the submissions support options compliant with the Victorian local government legislative framework. Other academic submissions will be made available throughout the consultation process on the website. At the end of the consultation process, all academic submissions will be collated into a final Supplementary Paper and made available on the website.

1.4.4 Policy and legislative framework

This process is occurring at an historic moment for local government in Victoria. The legislation that gives councils their authority and determines their powers, role and how they are constituted — the *Local Government Act 1989* — is also being reviewed. The Act sets out the rules for council electoral structures, including the number of councillors a council may have, whether councils are divided into wards, the length of mayoral terms and all other elements of the electoral structure.

In June 2016, the government released *Act for the future: Directions for a new Local Government Act*. This directions paper explains the government’s proposed reforms to the Local Government Act, including changes to how council electoral structures operate. The key reforms that relate to electoral structures from the directions paper have been summarised in the relevant parts of this paper.

Chapter 3 of this paper explains the advantages and disadvantages of a municipality being unsubdivided or divided into wards. This topic was examined at length by the Local Government Electoral Review Panel in 2013. Their report — *Local Government Electoral Review Stage 2 Report* — on which the chapter is largely based is a key document for the consultation. Chapter 3 provides a summary of the proposed changes to council electoral structures included in Act for the future. It also enables those proposed changes to be compared with the structures for the Greater Geelong City Council before it was dismissed, the Melbourne City Council and current structures allowed under the Local Government Act.

Greater Geelong City Council has its own legislation about how it is constituted. The *City of Greater Geelong Act 1993* specifies the electoral structure for Greater Geelong, including the election of the mayor. Melbourne City Council also has its own legislation about how it is constituted.

2 DEMOCRATIC REPRESENTATION AND GOOD GOVERNANCE

2.1 Introduction

There is no single accepted view of what democratic representation or good governance looks like. These ideas can be understood in different ways and vary between communities and councils. It is therefore important that the Greater Geelong community defines what it expects in terms of its democratic representation and governance and how its council could reflect these expectations. How the community understands these ideas shapes the role it sees the council as playing within the local community.

How a council reflects its community's expectations about democratic representation and good governance impacts the level of confidence the community has in its council.

The definitions and information below reflect just some of the perspectives of democratic representation and good governance based on the Local Government Act and other guidance material for local government. But it is important to note that the Local Government Act does not define exactly what democratic representation and good governance should look like. This information is intended as a starting point for the conversation rather than an exhaustive or definitive view of all the issues to be considered.



Key questions to consider:

What could representative democracy look like for Greater Geelong?

How can the electoral structure for Greater Geelong better reflect the community?

What other ideas could improve representative democracy for Greater Geelong?

Why could these other ideas improve representative democracy for Greater Geelong?



2.2 Democratic representation

In a representative democracy, citizens entrust the decisions about how they are governed to elected representatives. Councils need to be elected in a fair and equitable way so the community is **democratically represented** and in a way that promotes **good governance**.

These two objectives — democratic representation and good governance — are set out in the *Local Government Act 1989* which says that:

- a council consists of its councillors who are democratically elected in accordance with the Act
- the primary role of a council is to provide leadership for good governance of the municipal district and the local community.

The VEC conducts electoral representation reviews of each council at least every 12 years and recommends an electoral structure to the minister (who is not obliged to accept the recommendation). The VEC conducts reviews in accordance with rules in the Local Government Act and considers:

- the appropriate number of councillors
- whether the municipality should be unsubdivided or subdivided into wards
- if subdivided, the number of wards, ward boundaries, the number of councillors per ward and possible ward names.

Some of the factors the VEC considers are legislative requirements. Others are factors which are common to electoral boundary commissions at all levels of government in Australia.

2.2.1 Fair and equitable representation

The Local Government Act requires that the number of councillors and the ward structure provide for fair and equitable representation for the people who are entitled to vote at a general election of the council. As the Act does not define 'fair and equitable', the VEC aims to:

- ensure that the number of voters represented by each councillor is within 10% of the average number of voters per councillor for the municipality (which is also a legislative requirement)
- take a consistent statewide approach to the number of councillors (so that councils of similar population and size have similar numbers of councillors)
- ensure that communities of interest are as fairly represented as possible.

The VEC also receives submissions, prepares reports and conducts public hearings to canvass what might constitute a fair and equitable structure for each council. In November 2015, the VEC produced its *Guide for Submissions 2015–16 Greater Geelong City Council Electoral Representation Review*. This guide identifies some of the matters it takes into account in determining an electoral structure. This is a key document for this consultation.

2.2.2 VEC indicative criteria for councillor numbers

The VEC determines councillor numbers before determining representative structures for the municipality. Table 2 shows the VEC's indicative criteria for councillor numbers, based on population and location. It applies this criteria to take a consistent, statewide approach to the number of councillors for a council.

When applying these indicative criteria to recommend the number of councillors for a council, the VEC also considers:

- the diversity of the population
- councillors' workloads
- the desirability of avoiding tied votes at council meetings: it generally recommends an uneven number for this purpose.

2.2.3 Ward boundaries: the 10% rule

If a municipality is divided into wards, the Act requires that the ward boundaries provide a fair and equitable division of the municipality. To achieve this, it requires the VEC to recommend an electoral structure that results in the number of voters represented by each councillor being within 10% of the average number of voters per councillor in the whole municipality at the time of the review or on the entitlement date for the next election (the date by which people must be on the local council role to be eligible to vote at the election).

When designing ward boundaries, the VEC also generally aims to:

- keep communities of interest (such as farming communities) intact
- follow logical boundaries (such as major roads, rivers and landmarks)
- spread high-population-growth areas over a range of wards.

The VEC aims to spread high-population-growth areas over a range of wards to keep within the 10% range requirement. It also usually sets the number of voters in wards that have the potential for high population growth somewhat below the average (but within 10%) and the number of voters in wards with little growth potential somewhat above the average (but within 10%). This means that the ward structure meets the within-10% requirement for a longer period of time.

The VEC's staff will be available to help the citizens' jury determine appropriate ward boundaries for the City of Greater Geelong should it recommend a structure with wards.

Table 2: VEC Indicative Criteria for the Number of Councillors Per Council

Expected number of councillors	Range of Voters			
	Metropolitan	Metropolitan-rural fringe	Regional with urban areas	Rural
5	-	-	-	< 8,000
7	< 70,000	< 70,000	< 45,000	8,000–22,000
9	70,000–110,000	70,000–110,000	45,000–80,000	> 22,000
10–12	> 110,000	> 110,000	> 80,000	-

Note: Greater Geelong had **170,408** enrolled voters at the 2012 general elections. With the municipality's population forecast to grow by around 17% between 2016 and 2026, the council's voter numbers are expected to increase to just over **200,000** by 2026.

Source: VEC 2013, *Report of local government electoral representation reviews and subdivision reviews conducted by the VEC in 2011 and 2012*.

2.2.4 Types of representation

People have different expectations of representation depending on how they understand the concept. Victorian council electoral structures are required by law to provide fair and equitable representation for voters but the rules about what this means in practice are not defined.

Neil Burdess and Kevin O’Toole¹, two academics, have classified representation in three ways: interest representation, corporate representation and mirror representation.

With **interest representation**, constituents see their representatives as their personal advocates. They expect their representatives to pursue their particular interests and they hold their representatives responsible for things that go against their interests. Interest representation works best in constituencies that are small enough for councillors to make personal contact with a significant proportion of the electorate. Interest representation is most closely associated with **single-member wards**.

With **corporate representation**, constituents see the representative body (in this case the council) as authorised to act for the electorate as a whole and to deliberate and make decisions on behalf of all constituents. Corporate representation is a more common view in levels of government with political parties where a party as a team seeks the approval of constituents across electorates for a policy framework. Corporate representation is most closely associated with **unsubdivided municipalities**.

With **mirror representation**, the electoral structure aims to create a representative body the composition of which reflects the makeup of the constituents: that is, groups are represented on the council in the same proportion as they occur in the electorate. Proportional representation aims for mirror representation, the idea being that the distribution of opinion

in the elected body should correspond with the distribution of opinion among the people who elected it. Mirror representation is most closely associated with **unsubdivided and multi-member wards**.

2.3 Good governance

Good governance is about the **quality of processes for making and implementing decisions**. It is not about making ‘correct’ decisions, but about the best possible process for making those decisions. In a council, governance processes are reflected in things like consultation policies and practices, meeting procedures, service quality protocols, councillor and officer conduct, role clarification and working relationships.²

There is no single or agreed measure of good governance. Things that are often considered are the level of accountability, transparency, responsiveness, community participation, effectiveness and efficiency, inclusivity and equity of decision-making processes. To what extent these things are important for Greater Geelong is a key consideration for the Greater Geelong community.

¹ Elections and Representation in Local Government: A Victorian Case Study, pp. 66 – 78.

² Good Governance Guide 2012, p.7.

Key questions to consider:

What should Greater Geelong expect in terms of its local governance?



What other ideas could improve local governance for Greater Geelong?



How could these expectations be met by an electoral structure?



Why could these other ideas improve local governance for Greater Geelong?



2.3.1 Councillors, chief executive officer and staff

The good governance of a municipality rests on the successful performance of both the elected representatives (the councillors) and the administration (the council staff including the chief executive officer [CEO]).

Councillors are democratically elected by the residents and ratepayers of the municipality. Council sets the overall direction for the municipality through long-term planning and decision-making. It adopts a strategic view of the future it wishes to achieve for its community and makes plans and policies to achieve it.

The council is responsible for appointing a CEO and for managing and reviewing the CEO's performance. The CEO is the only staff member that the council appoints. The CEO is appointed for no more than five years at a time and can be re-appointed for further terms. The CEO is responsible for managing the council's administration and day-to-day operations, ensuring that council decisions are implemented and providing advice to the council.

Council staff ensure the day-to-day running of the administration and the delivery of council services and functions. The CEO employs the staff, who provide advice, implement council's direction and take action on council decisions. Council staff also provide advice and expertise to help their council make policy decisions, deliver services and implement council decisions.

The Local Government Act requires council staff to observe particular principles of conduct in the course of their employment. They must:

- act impartially
- act with integrity (including by avoiding conflicts of interest)
- accept accountability for results
- provide responsive service.

2.3.2 Electoral structures and governance

When undertaking reviews and recommending electoral structures, the VEC is not required to consider whether an electoral structure it recommends will deliver good governance. Its concern is that the council structure delivers fair and equitable representation.

A council's electoral structure may however influence governance by giving different weight to different factors that can in turn influence how a councillor behaves. For example, some people argue that councillors in single-member wards may be inclined to prioritise the interests of constituents in their ward over the broader interests of the municipality. Others argue that unsubdivided municipalities may encourage a more collegiate approach by councillors to considering the needs of the whole municipality; or that multi-member wards ensure that constituents with different interests can elect councillors that represent the variety of interests in the ward.

How a council governs is often dependent on the interaction between the councillors, regardless of the electoral structure.

The Commission of Inquiry found the single-ward structure as it operated at Greater Geelong contributed to the governance failures it identified at the council. In its report, the Commission said, "A significant number of councillors appear to be preoccupied with their individual ward interests rather than the city as a whole and have shown little capacity to work constructively together." It added, "Replacement of single-councillor wards by multi-councillor wards supported by mechanisms to ensure strategic, whole-of-municipal planning and delivery would strengthen council leadership, corporate behaviour and decision-making." The Commission recommended that the single-member ward electoral structure be replaced with multi-member wards.

Separately the VEC recommended changes to the ward structures for Greater Geelong, with 11

councillors elected from three three-councillor wards and one two-councillor ward, as well as the mayor.

An electoral structure that encourages different types of people to contest elections could possibly increase the range of skills and levels of commitment of councillors, improving governance. Single-member wards may attract people who are primarily focused on the needs of their ward while unsubdivided structures may attract people who are more interested in long-term, broader city or regional planning issues. This issue was highlighted in the report from the Greater Geelong City Council Community Priorities Scheme investigation conducted by the Local Government Investigations and Compliance Inspectorate. The report noted that following the 2004 election for Greater Geelong,

six new ward councillors were elected who entered Council “on platforms of delivering for their communities... Council [was] not delivering [and the new councillors would] come in and deliver projects...” However, Council staff also reported that following the election, “there was significant friction ... in the Council chamber about a whole list of competing priorities.”

The Commission of Inquiry also found that the form of mayoral election in Greater Geelong contributed to governance failures at the council. In particular, the Commission found that having the mayor directly elected by the voters, through a process completely unrelated to how other councillors are elected, contributed to poor governance: it led to the mayor being isolated and unsupported by the other councillors and to a serious breakdown

Table 3: City of Greater Geelong Community Satisfaction Survey 2016

Performance measures	Greater Geelong 2012	Greater Geelong 2013	Greater Geelong 2014	Greater Geelong 2015	Greater Geelong 2016	Regional Centres 2016	Statewide 2016
OVERALL PERFORMANCE	63	65	62	66	62	55	59
COMMUNITY CONSULTATION (community consultation and engagement)	54	58	54	54	54	52	54
ADVOCACY (lobbying on behalf of the community)	57	57	58	60	58	52	53
MAKING COMMUNITY DECISIONS (decisions made in the interest of the community)	n/a	n/a	58	57	56	51	54
SEALED LOCAL ROADS (condition of sealed local roads)	n/a	n/a	54	56	54	54	54
CUSTOMER SERVICE	74	77	75	68	74	70	69
OVERALL COUNCIL DIRECTION	55	63	68	69	65	51	51

Source: JWS Research 2016

in relations between them which reduced the mayor's capacity to get things done. The Commission recommended that this be addressed by having the positions of mayor and deputy mayor directly elected, to strengthen the support to the mayor and enable a greater sharing of workloads.

2.3.3 Other factors affecting governance

The Commission of Inquiry noted the link between electoral structures and governance and produced a useful one-page framework for council good governance which is in Appendix 2. The Commission used this framework to assess the adequacy of the council's governance arrangements.

Other factors important for good governance have nothing to do with the electoral structure. They include the professionalism and ability of the council administration (the CEO and staff) and the legislative and governance systems within which the council operates. The Commission made eight recommendations to improve governance at the council, including a thoroughgoing review of the organisation and its management, the development of a 20–30 year council strategy and associated review of the four year council plan and the appointment of an independent panel to respond systematically to bullying claims and improve the culture at the council. The administrators at the council are currently working to implement these recommendations.

Community feedback — particularly the annual local government community satisfaction survey undertaken for most Victorian councils — is an important source of information about governance. The *Local government community satisfaction survey Greater Geelong City Council 2016 research report* is a key document for the consultation process. Table 3 shows a summary of the survey results for the City of Greater Geelong from 2012–16, compared with the performance of regional centres and councils statewide.

2.4 Balancing democratic representation and good governance.

Balancing the objectives of democratic representation and good governance requires value judgements about whether one is more important than the other and about how the two can be balanced so they can both be achieved. Two recent reports have touched on these matters.

The *Report of the Commission of Inquiry into Greater Geelong City Council* examined the electoral structure through the lens of good governance. It found that the council was not delivering good governance for the community. Along with many other causes, the Commission found that the way the council (including the mayor) was elected contributed to the council's governance failures. The Commission recommended an end to single-member wards, continuation of direct election of the mayor and a directly elected deputy mayor. The Commission's focus was good governance.

The Victorian Electoral Commission (VEC) *Final Report 2015–16 Greater Geelong City Council Electoral Representation Review* examined the electoral structure through the lens of democratic representation. It recommended having councillors elected in multi-member wards. The VEC's focus was fair and equitable representation.

3 ELECTORAL STRUCTURE OPTIONS

3.1 Overview

3.1.1 Electoral structure components

Figure 4 shows the main components of a council electoral structure. Each rounded box is a question to be considered. There are also some further issues to be considered for each rounded box, which are explained in this section. There is a logic in answering the questions in a sequence, starting with the mayor, deputy mayor and number of councillors, then moving to the representative structures for the municipality. However, the questions can be considered separately.

Table 4 shows definitions of the key terms relating to an electoral structure.

3.1.2 Overview of Victorian electoral structures

Table 5 shows how the main electoral structure components are currently addressed in Victoria: by the City of Melbourne (under the *City of Melbourne Act 2001*), by the City of Greater Geelong before the council was dismissed (under the *City of Greater Geelong Act 1993*) and by other Victorian councils (under the *Local Government Act 1989*). The table also shows electoral structure components proposed in the Act for the future directions paper for other councils without a directly elected mayor.

Figure 4: Electoral structure options

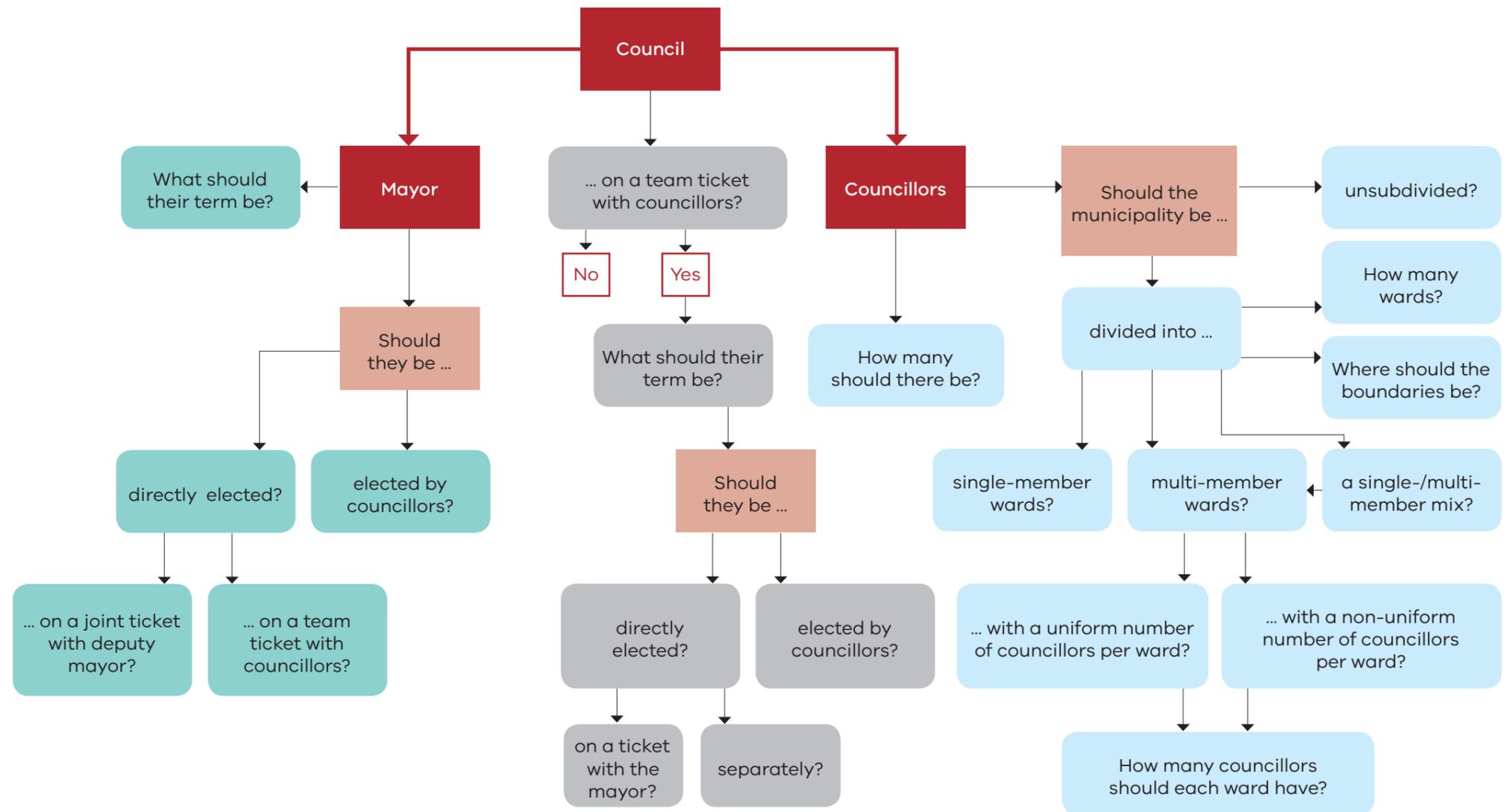


Table 4: Electoral Structure Component Definitions

Term	Definition
Municipality	The district under the local government of a council
Ward	An electoral subdivision within a municipality
Electoral structure	Structure that identifies how councillors are elected from the municipality
Directly elected	Elected by all the voters in a municipality
Unsubdivided municipality	A municipality that is not divided into wards: all councillors are elected from the whole municipality and not to represent wards
Subdivided municipality	A municipality that is divided into wards
Non-uniform multi-member municipality	A municipality divided into wards with every ward electing more than one councillor but the number varying from ward to ward
Mixed single- and multi-member municipality	A municipality divided into wards with some wards electing one councillor and other wards electing more than one councillor
Single-member only municipality	A municipality divided into wards with every ward electing one councillor
Uniform multi-member municipality	A municipality divided into wards with every ward electing the same number of councillors, which is two or more

Table 5: Electoral Structures in Victoria

Electoral structure component	City of Melbourne	Greater Geelong (electoral structure prior to dismissal of councillors)	Other councils under current legislation	Other councils under proposed reforms without a directly elected mayor ¹
Mayor (election)	Directly elected on a ticket with the deputy lord mayor	Directly elected but not on a ticket with the deputy mayor	Elected by and from councillors	Elected by and from councillors
Mayor (term)	4 years	4 years	1 or 2 years	2 years
Deputy mayor (requirement for position)	Mandatory	Mandatory	Optional	Mandatory
Deputy mayor (election)	Directly elected on a ticket with the lord mayor	Elected by and from councillors	Elected by and from councillors	Elected by and from councillors
Number of councillors	11 (9 councillors and lord mayor and deputy lord mayor)	13 (12 councillors and the mayor) ²	5–12	5–15
Number of councillors (determined by)	City of Melbourne Act	VEC, using criteria in Table 2	VEC, using criteria in Table 2	Set by formula in regulations
Number of councillors (guide to numbers by population)	11	Regional area with more than 80,000 voters = 10–12	Regional area with more than 80,000 voters = 10–12	Population of more than 250,000 = 15
Electoral structures (and % of Victorian councils with that structure)	Unsubdivided	Single-member only	<ul style="list-style-type: none"> • Unsubdivided (28%) • Uniform multi-member (20%) • Non-uniform multi-member (19%) • Mixed single and multi-member (19%) • Single-member only (14%) 	<ul style="list-style-type: none"> • Unsubdivided • Uniform multi-member • Single-member only

Notes:

- 1 The *Act for the future* directions paper proposes the City of Melbourne model for future directly elected mayors.
- 2 The *City of Greater Geelong Act 1993* currently provides that from the next elections, the council must consist of a directly elected mayor and between four and 11 councillors. The council therefore cannot have more than 12 councillors in total under the current legislation.

3.2 Mayor

3.2.1 Role and powers

The core responsibility of councillors is to make decisions on behalf of the community and in this regard councillors are of equal status. That said, all councils have a mayor to lead their decision-making processes.

In Victoria, the current role of a mayor is to chair meetings where decisions are made and where necessary to exercise a casting vote to reach a decision. The mayor also undertakes civic and ceremonial functions (such as conducting citizenship ceremonies).

The Greater Geelong mayor has some additional powers to those of other mayors. The *City of Greater Geelong Act 1993* was amended in 2012 to allow the mayor to appoint committee chairs, to appoint councillors as council representatives to external bodies, and to exercise similar responsibilities for committee chairs and representatives at the mayor's discretion. The directly elected Lord Mayor of Melbourne has similar powers. These additional powers reflect their unique status as being directly elected by the community at large.

The Victorian Government has proposed that all council mayors should lead their council's decision-making. The *Act for the future* directions paper recommends expanding the role of the mayor to include:

- leading engagement with the community on development, and reporting to the community at least annually about implementation, of the council plan
- requiring the CEO to report to the council about the implementation of council decisions
- appointing chairs of council committees and appointing councillors to external committees that seek council representation
- supporting councillors — and promoting their good behaviour — to understand

the separation of responsibilities between the elected and administrative arms of the council

- removing a councillor from a meeting if the councillor disrupts the meeting
- mutually setting council meeting agendas with the CEO
- being informed by the CEO before the CEO undertakes any significant organisational restructuring that affects the council plan
- leading, setting and reporting to council about oversight of the CEO's performance
- being a spokesperson for the council and representing it in the conduct of civic duties.

3.2.2 Election

The Greater Geelong City Council is one of two councils in Victoria where the voters currently elect the mayor. The other is Melbourne City Council. In all other councils, councillors elect the mayor.

An advantage of direct election of the mayor is that it gives the community a more immediate say in who the elected leader of the council will be. A disadvantage is that other councillors may be less inclined to support the mayor, having had no say in the election of that person.

In Melbourne, some level of support for the lord mayor is assured by having a joint ticket with a deputy mayoral candidate. This is a requirement under the *City of Melbourne Act 2001*. Also, candidates for council join a team ticket aligned to the mayoral candidates, a practice facilitated by Melbourne being an unsubdivided municipality. In the current Melbourne City Council, five of the 11 councillors stood for election as part of Lord Mayor Robert Doyle's team, thus providing a level of support, but not an actual majority, in council for him. It should be noted there is no requirement for a candidate to join a team ticket, nor must a team ticket be associated with the mayoral

candidates or include candidates for all council positions.

This method of direct election — lord mayor and deputy mayor on a joint ticket, councillors on team tickets — has arguably delivered a relatively high level of cohesion and stability to the Melbourne City Council in recent years. That said, councillors' skills, personalities and their commitment to work together also contribute to cohesion and stability and one cannot say if the method of direct election or councillors' attributes are more important for good governance.

In Greater Geelong, the mayor is directly elected by the community through a process not connected to the election of the other councillors. There is a requirement in the *City of Greater Geelong Act 1993* for the council to have a deputy mayor, but this position is elected by the councillors, including the mayor. Councillors cannot stand for election in teams. In Greater Geelong and in Melbourne, candidates cannot stand for election for both mayor and councillor.

Practices vary considerably in other Australian jurisdictions. Mayors are elected by councillors in most New South Wales councils and in some Western Australian, South Australian and Northern Territory councils. Mayors are directly elected by voters in all councils in Queensland and Tasmania and in some councils in other states. As another point of comparison, the electoral structures of some major Victorian regional centre councils (such as the cities of Ballarat and Greater Bendigo) have mayors elected by other councillors rather than direct election by voters. Ballarat and Greater Bendigo each have nine councillors, three in each of three wards.

Both directly elected mayors are elected for the full four-year term of the council. Other mayors in Victoria may be elected for one- or two-year terms as council decides: almost all are elected for a one-year term. All Victorian mayors can be elected for more than one term.

Mayoral terms in other states are mostly either for one or four years. Directly elected mayoral terms are mostly four years, while councillor-elected mayors are usually elected for shorter terms.

The *Act for the future* directions paper proposes that councils continue to have their mayors elected by and from their fellow councillors but that the minister have the power to decide to allow the direct election of the mayor, using the City of Melbourne model. The minister would only allow direct election where:

- the size of the council is sufficient to support the additional costs of a direct election
- the significance of the council in its own terms or in terms of the region in which it is situated supports a directly elected mayor
- community consultation provides evidence of strong support for a directly elected mayor, recognising the additional costs to the community.



Issues to consider

Table 6 shows the current and proposed (reformed) situation in Victoria for the election of mayors. The issues to be considered are:

- whether the mayor should be directly elected or elected by councillors
- if directly elected, whether:
 - the mayor should be elected separately from the councillors (as currently in Greater Geelong)
 - the mayor should be required to stand on a joint ticket with a deputy mayor
 - councillors should be allowed to stand for election on a team ticket associated with the mayoral candidates
 - some other model of direct election should be adopted.
- whether the mayor's term should be one, two, three or four years.

Table 6: Election of Mayor Issues

	City of Melbourne	Greater Geelong (electoral structure prior to dismissal of councillors)	Other councils under current legislation	Other councils under proposed reforms without a directly elected mayor ¹
Mayor (election)	Directly elected on a ticket with the deputy lord mayor	Directly elected but not on a ticket with the deputy mayor	Elected by and from councillors	Elected by and from councillors
Mayor (term)	4 years	4 years	1 or 2 years	2 years

Note 1: The *Act for the future* directions paper proposes the City of Melbourne model for future directly elected mayors.

3.3 Deputy mayor

The current City of Geelong Act requires there to be a deputy mayor elected from the councillors. The deputy mayor acts as the mayor if the position of mayor is vacant or if the council directs the deputy mayor to do so if the mayor is absent, incapable or refuses to act in the role. While the Local Government Act does not provide for deputy mayors in other Victorian councils, many councils decide to elect a person to this role.

In the City of Melbourne, a deputy lord mayor must be directly elected and candidates must stand on a joint ticket with the lord mayor. The alternative to standing on a joint ticket would be for candidates for deputy lord mayor to stand separately but this would mean additional expense for a position that does not have significant authority.

It may sometimes be useful for the mayor to have a designated deputy, including when the mayor:

- takes leave (such as annual or sick leave)
- is absent from a council meeting
- needs to excuse themselves because of a conflict of interest
- cannot attend civic functions involving ceremonial duties (such as citizenship ceremonies)
- resigns or is disqualified from the office of councillor.

The deputy mayor role can also be a useful learning experience for prospective mayors. The Commission of Inquiry recommended there be a deputy mayor in Greater Geelong as a way of ensuring more support for the mayor. The commission also recommended the position be directly elected along with the mayor, without explicitly stating whether this be on a joint ticket with the mayor.

Table 7: Requirement for and Election of Deputy Mayor Issues

	City of Melbourne	Greater Geelong (electoral structure prior to dismissal of councillors)	Other councils under current legislation	Other councils under proposed reforms without a directly elected mayor ¹
Deputy mayor (requirement for position)	Mandatory	Mandatory	Optional	Elected by and from councillors
Deputy mayor (election)	Directly elected on a ticket with the lord mayor	Elected by and from the councillors	Elected by and from the councillors	Elected by and from the councillors

Note 1: The *Act for the future* directions paper proposes the City of Melbourne model for future directly elected mayors.



Issues to consider

Table 7 shows the current and proposed (reformed) situation in Victoria for the requirement for and election of deputy mayors. The issues to be considered are:

- whether to require the council to have a deputy mayor
- if so, the term of the deputy mayor and whether it should be aligned with the term of the mayor

- whether the deputy mayor should be elected by and from the councillors or should be directly elected by voters
- if the deputy mayor is to be directly elected by voters, whether candidates for deputy mayor should be required to stand for election on a joint ticket with the mayoral candidates or on a separate ballot paper.

3.4 Councillor numbers

Councillor numbers can affect governance. Having sufficient councillors reassures voters they are well-represented and helps prevent councillors being overloaded with work. Having too few may result in there being insufficient diversity of views and skills. Having too many may result in cumbersome or unwieldy decision-making.

3.4.1 Councillor numbers, population and size of the municipality

Currently, Victorian councils can have between five and 12 councillors. The actual number is generally proportional to the size and population of the municipality: larger

municipalities with more people have more councillors and smaller municipalities with fewer people have fewer councillors. For example, before being dismissed the Greater Geelong City Council had 13 councillors, compared with the Borough of Queenscliffe which has five. The population of the City of Greater Geelong is about 230,000: the population of Queenscliff is fewer than 5,000.

The government has recently proposed that the upper limit of 12 councillors be increased to 15. The intention is that municipalities with more than 250,000 people would have up to 15 councillors. The population of the City of Greater Geelong is forecast to be about 250,000 people by 2020.

The populations of Victoria's local government areas vary greatly: for example, the City of Casey has almost 300,000 people while the West Wimmera Shire has fewer than 5,000. The ratios of councillors to voters also vary greatly. For example, at the 2012 general elections the City of Greater Geelong had 14,201 voters per councillor compared with 804 voters per councillor in Hindmarsh Shire.

The proposed increase in the upper limit of councillors from 12 to 15 would have the advantage of increasing the ratio of councillors to voters (and residents). It would also bring Victoria into line with other, more populous states, all of which allow councils to have up to 15 (or 16) councillors.

Those who oppose the increase in the upper limit argue that a larger number of councillors may make decision-making more difficult. Some people also argue that the higher cost to ratepayers is not justified.

3.4.2 Councillor numbers and ward structures

The number of councillors a council has determines the ward structures that are possible.

Some people argue that having the same number of councillors in each ward is a fundamental requirement for democratic representation in municipalities divided into wards. But the number of councillors in each ward can only be the same if the number of councillors can be divided by the number of wards: for example, a council with 11 councillors and three wards cannot have an equal number of councillors in each ward. Therefore, a municipality with a council with 5, 7, 11 or 13 councillors can only be unsubdivided or comprise single-member wards. So it is often not possible to consider the number of councillors independently of the preferred ward structure.

3.4.3 Councillor numbers and decision-making

A final issue to consider in recommending the number of councillors is whether or not there is merit in a council having an uneven number of councillors. The VEC recommends an uneven number of councillors to avoid the risk of tied votes at council meetings, where the mayor must make a casting vote. Many people consider this to be undemocratic because it ascribes two votes to one member of council. People who advocate an even number of councillors note that at least one councillor is often absent from a council meeting, which makes equal numbers at council meetings quite common, and that even numbers allow for more options for ward structures based on each ward having the same number of councillors. It is generally recognised that the more councillors a council has, the less important it is that the total be an uneven number.

People who advocate for an uneven total number of councillors and for wards to have the same number of councillors often advocate for nine councillors (three councillors for each of three wards) or 15 councillors (three councillors for each of five wards or five councillors for each of three wards).



Issues to consider

Table 8 shows the current and proposed (reformed) situation in Victoria for the number of councillors. The issues to be considered are whether the number should be:

- within the current legislative band of 5–12 councillors (including a mayor and deputy mayor)
- between 12–15, with 15 being the upper limit currently proposed.

As part of recommending the number of councillors, people should also consider the preferred ward structure.

Table 8: Number of Councillors Issues

	City of Melbourne	Greater Geelong (electoral structure prior to dismissal of councillors)	Other councils under current legislation	Other councils under proposed reforms without a directly elected mayor ¹
Number of councillors (number range)	11 (9 councillors and lord mayor and deputy lord mayor)	13 (12 councillors and the mayor) ²	5–12	Elected by and from councillors
Number of councillors (determined by)	City of Melbourne Act	VEC, using criteria in Table 2	VEC, using criteria in Table 2	Set by formula in regulations
Number of councillors (guide to numbers by population)	11	Regional area with more than 80,000 voters = 10–12	Regional area with more than 80,000 voters = 10–12	Population of more than 250,000 = 15

Notes:

1. The *Act for the future* directions paper proposes the City of Melbourne model for future directly elected mayors.
2. The *City of Greater Geelong Act 1993* currently provides that from the next elections, the council must consist of a directly elected mayor and between 4 and 11 councillors. The council therefore cannot have more than 12 councillors in total under the current legislation.

3.5 An unsubdivided municipality or wards

3.5.1 Victorian and Australian context

Map 1 shows the electoral structures of Victoria’s municipalities in 2012 and Map 2 shows the electoral structures of municipalities in the Melbourne metropolitan area. Recent representation reviews have led to some changes which are not shown on this map.

Figure 5 shows the percentages of each type of electoral structure in other Australian jurisdictions, as at 2014. It shows that the most common structure is an unsubdivided municipality, particularly in Tasmania, Queensland, New South Wales and Western Australia. Unsubdivided municipalities are the most common structure in South Australia.

3.5.2 An unsubdivided municipality

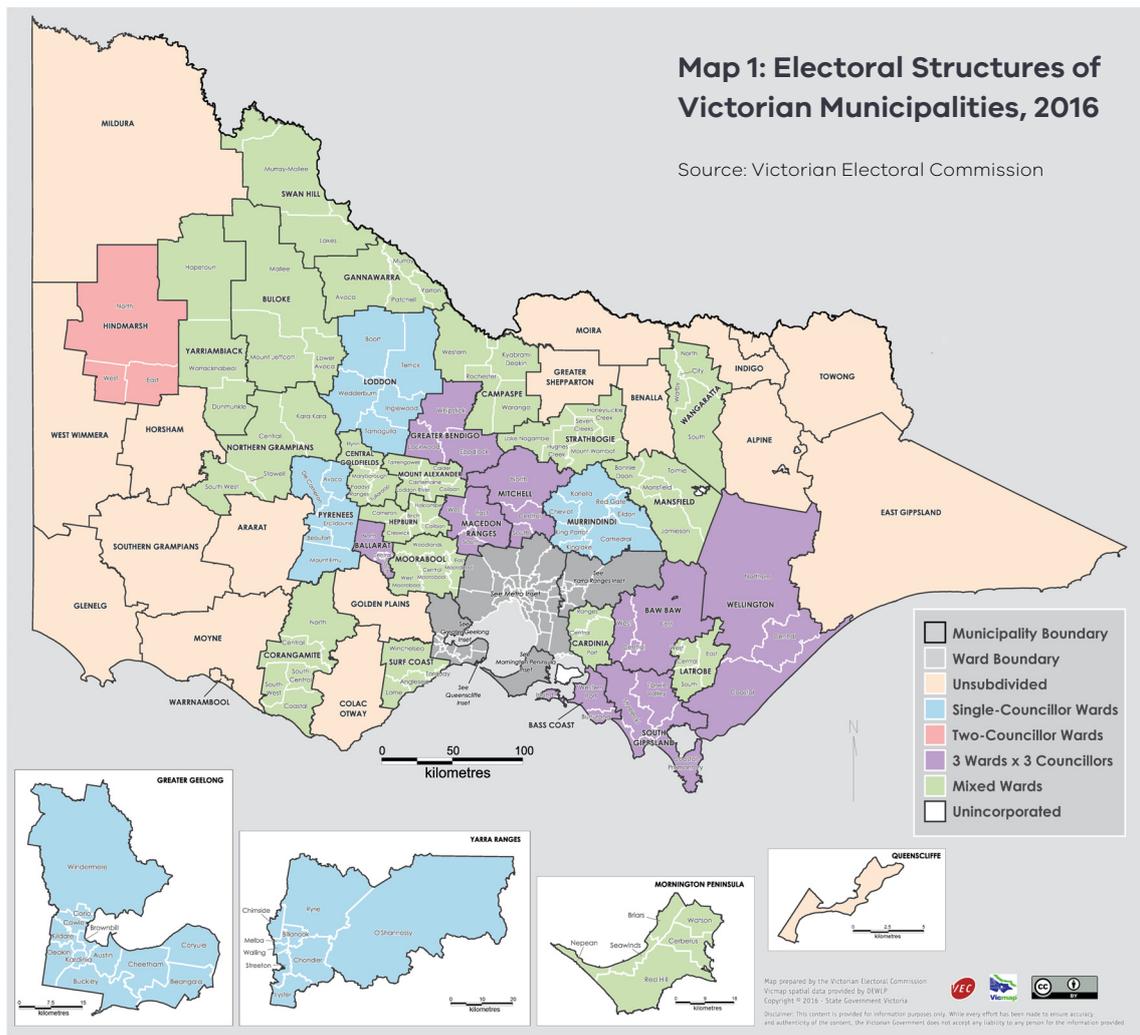
An unsubdivided municipality has no wards: councillors represent the municipality as a whole. Victoria has had unsubdivided municipalities for most of our history.

The potential **advantages** of an unsubdivided municipality electoral structure are that it:

- promotes a municipality-wide focus, which is a requirement of councillors under the Local Government Act
- gives voters a choice of councillors they can approach with their concerns
- allows voters to express a preference for every candidate in the council election
- removes the need to define internal ward boundaries

Map 1: Electoral Structures of Victorian Municipalities, 2016

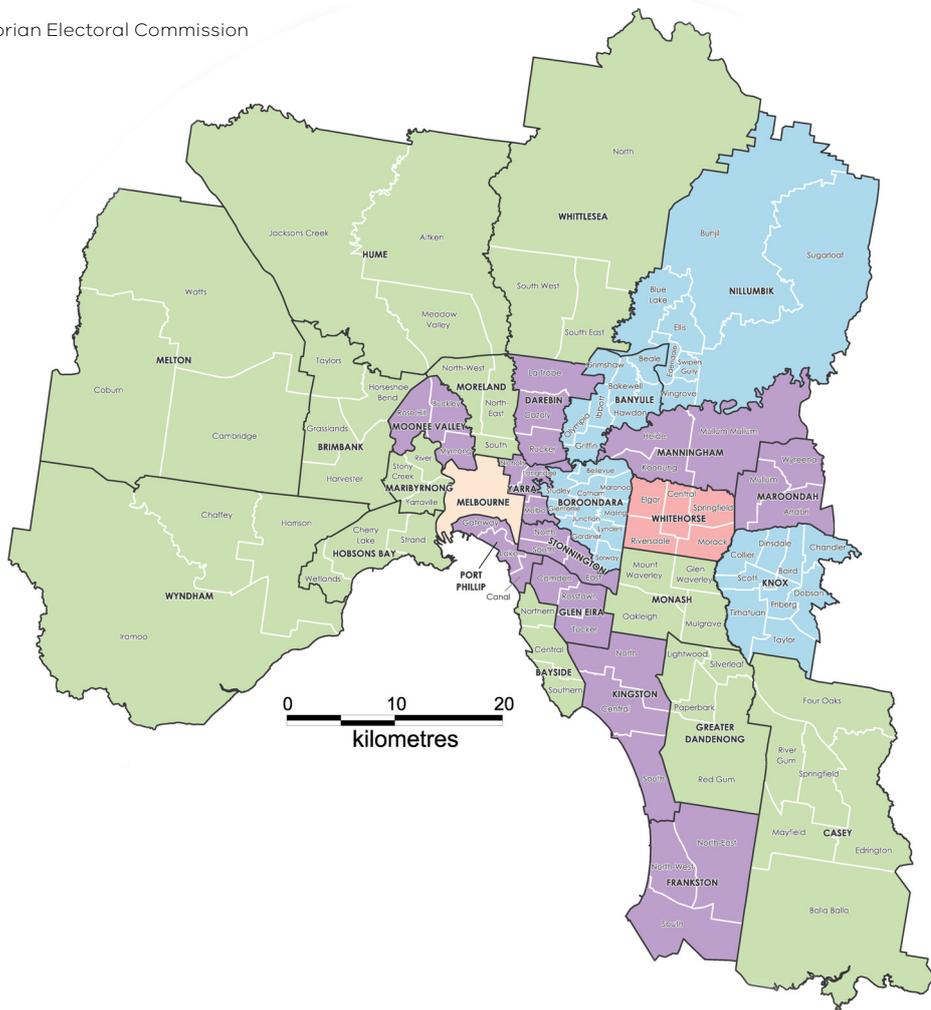
Source: Victorian Electoral Commission



- results in a simpler voters' roll for elections
 - allows replacement of a councillor through countback in the event of resignation, avoiding the expense of a by-election (by-elections are only held for single-member wards)
 - avoids the requirement for subdivision reviews (reviews to ensure that the proportion of councillors to voters does not vary by more than 10 % between any ward in a divided municipality)
 - brings a more unified, strategic focus to council governance
 - leads to more integrated policymaking.
 - there are risks that most councillors will be drawn from a single part of the municipality and that different communities of interest will be unrepresented
 - a councillor's capacity for local engagement and representation may be diminished if they become inaccessible to residents in parts of the municipality
 - councillors' responsibilities may become confused and their efforts duplicated
 - it may make it difficult for voters to assess the performances of individual councillors
 - large numbers of candidates may increase the risk of dummy candidates standing, resulting in higher rates of informal votes (if voters don't number every square, making their vote invalid).
- The potential **disadvantages** of an unsubdivided structure are:

Map 2: Electoral Structures of Melbourne Metropolitan Municipalities, 2016

Source: Victorian Electoral Commission



To address the last two potential disadvantages, the government has proposed as part of the review of the Local Government Act that partial preferential voting be introduced (so voters are only required to express a preference equal to the number of councillor vacancies).

3.5.3 Single-member wards

With this electoral structure, a municipality is divided into wards with each ward being represented by a single councillor. This was the structure at Greater Geelong before the council was dismissed. The Commission of Inquiry found that the structure contributed to governance failures at the council.

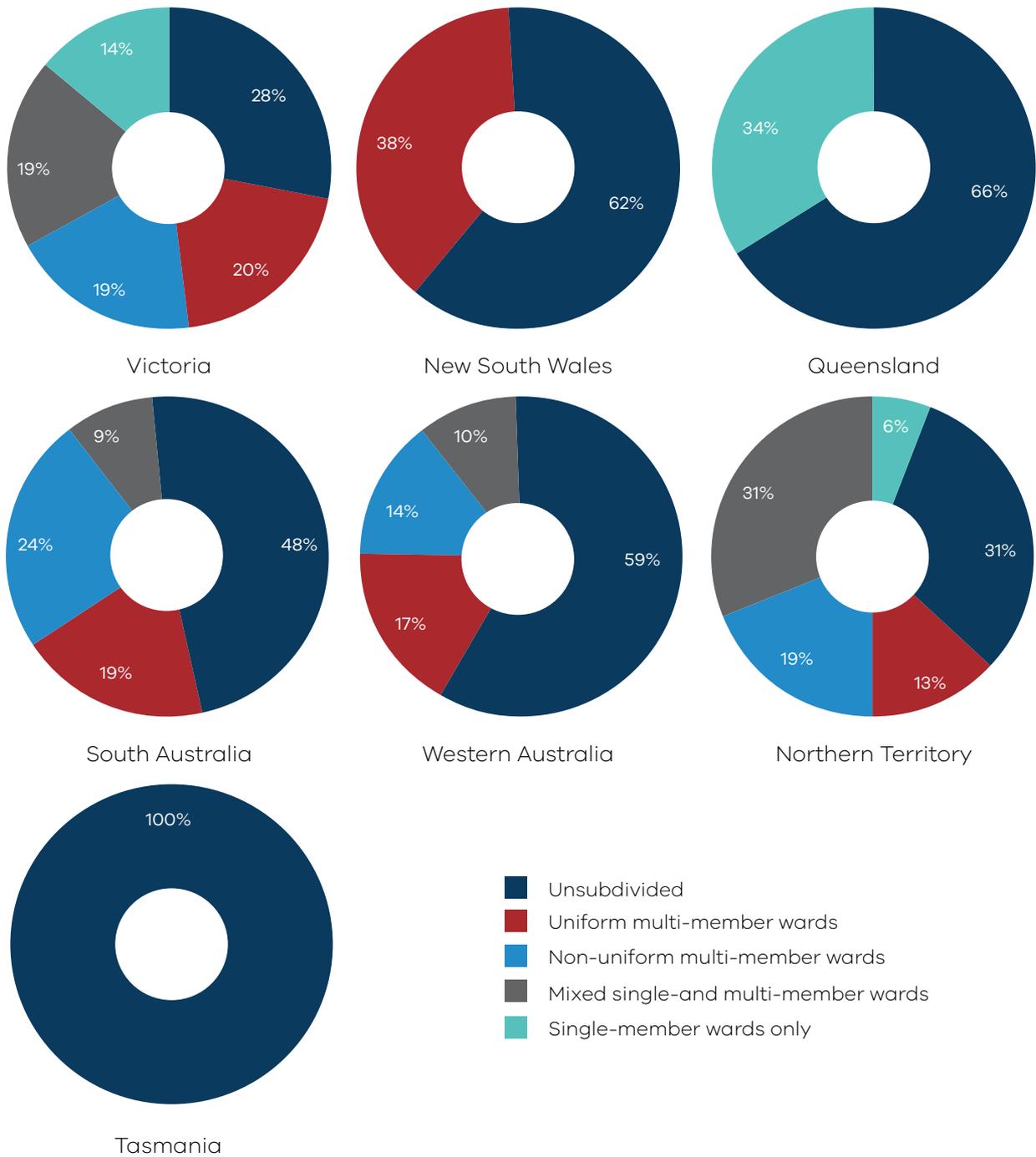
This structure has only been allowed in Victoria since the mid-1990s. It was initially the predominant structure: in 2003, 43 of Victoria's 79 municipalities comprised entirely single-member wards. Since then, its predominance

has fallen: in 2012, just 11 of the 79 municipalities had single-member wards.

The potential **advantages** of a single-member ward electoral structure are that:

- councillors are more likely to be truly local representatives, easily accessible to residents and aware of local issues
- geographically formed communities of interest are likely to be represented
- one particular point of view or sectional interest is less likely to dominate the council.
- The potential disadvantages of a single-member ward electoral structure are that:
 - councillors might be elected on local, minor or parochial issues and lack perspective on or offer less support for policies that benefit the whole municipality

Figure 5: Electoral structures of other Australian jurisdictions, 2014



Source: Local Government Electoral Review Stage 2 Report

- ward boundaries might divide larger communities of interest and might be hard to define
- voters might have fewer options for their representative
- if a ward has a small number of voters, ward boundaries might be more susceptible to change (as population changes put numbers above or below the 10% limit).

3.5.4 Uniform multi-member wards

With this electoral structure, a municipality is divided into wards with each ward represented by the same number of councillors, which is two or more. For example, the municipality may have three wards each with three councillors or five wards each with two councillors. This structure has also been a feature of local government in Victoria for most of our history.

The potential **advantages** of a uniform multi-member electoral structure are that it:

- supports representation of different interests in a ward
- allows for greater consideration of multiple views on issues than does the single-member ward structure
- makes different councillors accessible to different groups in the ward, giving greater access to them than in either an unsubdivided municipality or one with single-member wards
- gives voters a choice of councillor to approach
- can make ward boundaries easier to identify and less susceptible to change as a result of uneven population growth or decline than with single-member wards
- engenders a more collegiate approach to corporate governance than does the single-member ward structure
- is adaptable to most geographic conditions

- ensures parity across the council in the level of voter support required to be elected: councillors are elected with equal proportions of the vote regardless of the ward they stand in.

The potential **disadvantages** of a uniform multi-member electoral structure are that:

- groups may coalesce along interest lines, leading to divisions between councillors
- in very large wards, councillors may not be accessible to voters in some parts of the ward
- councillors may duplicate their efforts if they do not communicate or share their workloads effectively
- different views on issues within a ward may make those issues more difficult to resolve
- large numbers of candidates may increase the risk of dummy candidates standing, resulting in higher rates of informal votes.

3.5.5 Non-uniform multi-member wards

With this electoral structure, a municipality is divided into wards and wards are represented by different numbers of councillors. This structure has only been allowed in Victoria since the mid-1990s and the *Act for the future* directions paper proposes that this structure be discontinued.

The non-uniform multi-member ward electoral structure shares many of the potential **advantages** and **disadvantages** of the **uniform multi-member ward structure**.

However, it has a major disadvantage (which may lead the Victorian Government to disallow it in future): it allows for councillors to be elected with different quotas (the quota representing the level of support a candidate needs to be elected). As the review of electoral structures in 2013 said, 'when quotas are different between wards, councillors must attain different proportions of voter support and different numbers of formal votes in order to be elected,

depending on where a candidate chooses to stand.³

This electoral structure is arguably less fair than others for both candidates and voters and the Act for the future directions paper proposes that the new Local Government Act disallow the non-uniform multi-member electoral structure. This structure was considered for the Victorian Legislative Council when it was reviewed in 2002 and was ruled out on similar grounds to those above.⁴

The following illustrates this issue with a hypothetical example:

“The Proportional Representation Society of Australia (PRSA) observed that a consequence of unequally sized wards was that the quotas required for election varied. To take a theoretical example, in a municipality with five councillors and 10,000 voters, the quota required for election for a single-councillor ward of 2,000 votes would be 1,001; for a two-councillor ward of 4,000 votes the quota would be 1,334; and for a three-councillor ward of 6,000 votes the quota would be 1,501. The PRSA argued that this disparity was undesirable, because it meant that voters and candidates were not in the same position across the municipality. The PRSA’s point is mathematically undeniable.”⁵

3.5.6 Mixed single- and multi-member wards

With this electoral structure, a municipality is divided into a mix of single- and multi-member wards.

This structure has only been allowed in Victoria since the mid-1990s. It shares the disadvantage of non-uniform multi-member wards that councillors are elected on different quotas, which is arguably inequitable.

3 Department of Transport, Planning and [Local Infrastructure 2014, Local Government Electoral Review Stage 2 report](#), Victorian Government, Melbourne. p. 54.

4 Constitutional Commission Victoria 2002, [A house for our future](#), p.31.

5 VEC, [Report of local government electoral representation reviews and subdivision reviews conducted by the VEC in 2011 and 2012](#), p. 17.

A second problem is that single-member ward elections use a different ballot-counting system (full preferential) to multi-member ward elections (proportional representation). Appendix 3 explains how these two vote-counting systems work. This means that voters in the same council election have their vote treated differently. This can create a perception that a different weighting is given to the votes of different voters, undermining the principle of one vote, one value.

The [Act for the future](#) directions paper proposes that this structure be discontinued on the basis of these two problems. That said, the Greater Geelong community and citizens’ jury should be aware of the potential advantages and disadvantages of this electoral structure.

The potential **advantages** of a mixed single- and multi-member ward electoral structure are that:

- a large community of interest can be included in a multi-councillor ward and a small community of interest in a single-councillor ward
- it accommodates large differences in population across a municipality and allows small communities to be separately represented
- it makes it easier to define clear ward boundaries.

The potential **disadvantages** of mixed single- and multi-member ward structures are that:

- the voter support required for election is unequal from ward to ward
- different ballot-counting systems mean votes are treated differently in different wards
- voters in single-councillor wards may expect that their councillors will be more influential than their numbers suggest.



Issues to consider

Table 9 shows the current and proposed (reformed) situation in Victoria for the options for an unsubdivided municipality or ward structures. The issues to be considered are whether Greater Geelong should:

- be an unsubdivided municipality
- have entirely single-member wards
- have uniform multi-member wards (specifying the number of wards and the number of councillors per ward)
- have non-uniform multi-member wards (specifying the number of wards and the number of councillors per ward)

- have mixed single- and multi-member wards (specifying the number of wards and the number of councillors per ward).

In considering these issues, the Greater Geelong community and citizens' jury may wish to take into account:

- how Greater Geelong's current arrangements fit with the City of Melbourne model and with current and proposed legislation (detailed in the table below)
- the Commission of Inquiry's recommendation that the single-ward structure be discontinued because it has been unsuccessful in Greater Geelong.

Table 9: Unsubdivided Municipality or Ward Structure Issues

	City of Melbourne	Greater Geelong (electoral structure prior to dismissal of councillors)	Other councils under current legislation	Other councils under proposed reforms without a directly elected mayor ¹
Electoral structures (and % of Victorian councils currently with structure)	Unsubdivided	Single member only	<ul style="list-style-type: none"> • Unsubdivided (28%) • Single member only (14%) • Uniform multi-member (20%) • Non-uniform multi-member (19%) • Mixed single- and multi-member (19%) 	<ul style="list-style-type: none"> • Unsubdivided • Uniform multi-member • Single member only

Note 1. The *Act for the future* directions paper proposes the City of Melbourne model for future directly elected mayors.

KEY DOCUMENT LINKS

Document	Web address
Greater Geelong City Council Community Priorities Scheme Investigation	http://www.dtpli.vic.gov.au/_data/assets/pdf_file/0010/265294/Geelong-Community-Priorities-Investigation-Report.pdf
Workplace Culture Review – Susan Halliday Report	http://www.geelongaustralia.com.au/common/public/documents/8d2d93a2f33649a-Susan%20Halliday%20Culture%20Review%202015-2016.pdf
Report of the Commission of Inquiry into Greater Geelong City Council	http://www.parliament.vic.gov.au/file_uploads/Geelong_City_Council_Report_Combined_vn4s3j5T.pdf
<i>Final Report 2015–16 Greater Geelong City Council Electoral Representation Review</i>	https://www.vec.vic.gov.au/files/RepReviews/GreaterGeelongFinalReport2016.pdf
<i>Local Government Act 1989</i>	http://www.legislation.vic.gov.au/domino/web_notes/ldms/ltobject_store/ltobjst6.nsf/dde300b846eed9c7ca257616000a3571/32807739dafb424aca2578db001b8014/\$file/89-11aa109a%20authorised.pdf
<i>Guide for Submissions 2015–16 Greater Geelong City Council Electoral Representation Review</i>	https://www.vec.vic.gov.au/files/RepReviews/2015GreaterGeelongGuideForSubmissions.pdf
<i>Good Governance Guide: Helping Local Governments Govern Better, 2012, MAV, VLGA, LGV and LGPro</i>	http://goodgovernance.org.au/wp-content/uploads/kalins-pdf/Good%20Governance%20Guide.pdf
<i>Local government community satisfaction survey Greater Geelong City Council 2016 research report</i>	http://www.geelongaustralia.com.au/common/Public/Documents/8d3a1bc9a566616-2016%20Greater%20Geelong%20City%20Council%20Report.pdf



Document	Web address
<i>Local Government Electoral Review Stage 2 report</i>	http://www.dtpli.vic.gov.au/_data/assets/pdf_file/0003/244740/Stage-2-report-Local-Government-Electoral-Review.pdf
<i>Act for the Future: Directions for a new Local Government Act</i>	http://www.yourcouncilyourcommunity.vic.gov.au/DirectionsPaper
<i>VEC 2013 Report of Local Government Electoral Representation Reviews and Subdivision Reviews Conducted by the VEC in 2011 and 2012</i>	https://www.vec.vic.gov.au/files/LG-2012-Report.pdf
<i>Elections and Representation in Local Government: A Victorian Case Study (Neil Burdess and Kevin O'Toole)</i>	http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8500.2004.00379.x/abstract
<i>Constitutional Commission Victoria, 2002: A House for Our Future</i>	http://www.prsa.org.au/2001_constitution_commission_victoria.html
<i>City of Greater Geelong Act 1993</i>	http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt7.nsf/DDE300B846EED9C7CA257616000A3571/5BEA395ACF1F3F3BCA257AA0007CDCD0/\$FILE/93-16aa013%20authorised.pdf

Note: Should in future the location of any document change, breaking the link, you should be able to find the document by searching on the document title.



APPENDIX 1

ABOUT GREATER GEELONG

Unless otherwise stated, the data in this section is drawn from the VEC's Final Report: 2015-16 Greater Geelong City Council Electoral Representation Review.

Geography

The City of Greater Geelong is located 75 km south-west of Melbourne and covers 1,248 km². The municipality borders Moorabool Shire in the north, the City of Wyndham in the north-east, the Borough of Queenscliffe in the east, Surf Coast Shire and Golden Plains Shire in the west and Bass Strait in the south. It is the largest regional city in Victoria with a population of about 230,000 people. It includes suburban, agricultural and coastal areas.

Map 3 shows the City of Greater Geelong and its electoral structure immediately before the council was dismissed.

Demographics

Most of the municipality's population live in the city and its surrounding suburbs. Other population centres are the rural towns of Lara and Leopold to the north and south-east of the city respectively and coastal towns on the Bellarine Peninsula (such as Ocean Grove and Portarlington).

Table 10 shows 2016 population estimates for the main towns and suburbs.⁶

Table 10: Population Estimates for Main Towns and Suburbs, 2016

Town / suburb	Population
Highton – Wandana Heights – Ceres	22,949
Corio	15,500
Grovedale	14,800
Ocean Grove	14,071
Leopold	12,646
Geelong West – Manifold Heights	9,900
Norlane – North Shore	9,000
St Albans Park	5,092
East Geelong	4,000

Source: profile.id, Forecast population, households and dwellings, City of Greater Geelong.

⁶ Profileid, Forecast population, households and dwellings.

**Local Government Act 1989
ELECTORAL STRUCTURE OF GREATER GEELONG CITY COUNCIL**

NOTE: By Order in Council made under Section 220Q(k) of the Local Government Act 1989, the boundaries of the wards of the Greater Geelong City Council are fixed as described in this plan.



I hereby certify that the electoral boundaries shown on this map have been aligned to the VicMap property grid to represent those boundaries as presented in the Electoral Representation Review Final Report for Greater Geelong City Council, submitted to the Minister for Local Government on 12 May, 2008.

Steven Tully, Electoral Commissioner

Electoral Structure of
Greater Geelong City Council

LEGL./07-342

Map 1 of 2

Vicmap
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 using data provided by the Department of Planning and Environment
 under the provisions of the Victorian
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**Map 3: City of Greater Geelong
(Before Dismissal)**

The City of Greater Geelong's 2016 population of about 230,000 people is forecast to increase to about 278,000 people by 2026⁷: an average annual population growth rate of 1.6%. This growth rate is a little higher than the rural/regional Victorian average of 1.3%. Several significant greenfield developments are planned for the municipality, most notably around Armstrong Creek.⁸

Demographically, Greater Geelong is comparable to the broader rural-regional Victorian average, except for its cultural diversity: it has a significantly higher percentage of the population who were born overseas (16.7%) and almost double the percentage of people who speak a language other than English at home. The percentage of Aboriginal and Torres Strait Islander people living in the municipality is also slightly higher than the rural-regional Victorian average.

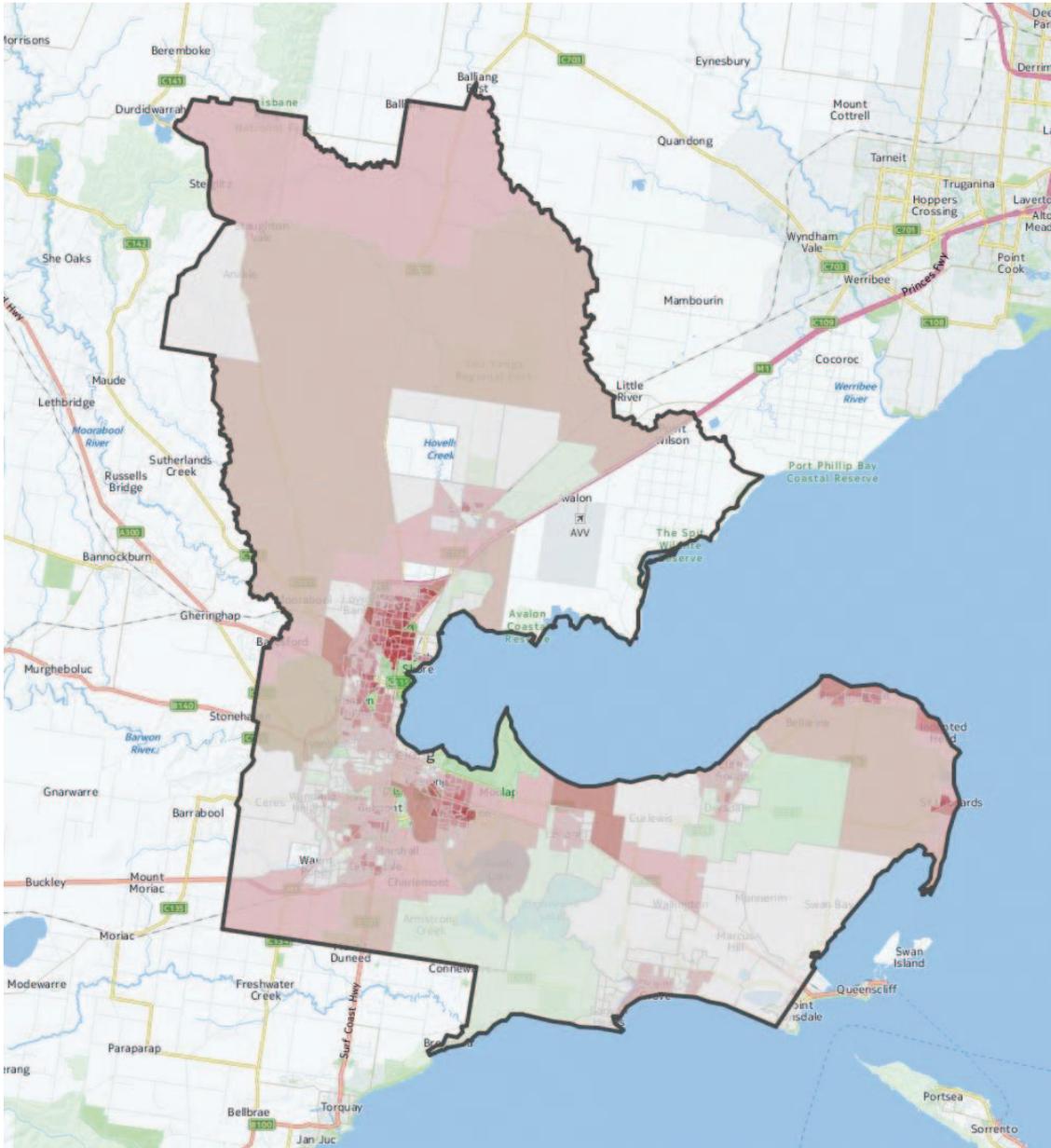
Traditionally known for its manufacturing base, the City of Greater Geelong's main employing industries are health care services and retail (about 40% of total employment) followed by education and training (13.3%), accommodation and food service (9%) and public administration and safety (6.4%). Manufacturing employs about 5% of the workforce. Workforce participation in Greater Geelong is the same as the Melbourne average, as is the unemployment rate, which was about 5.6% at the 2011 census.

Map 4 shows an index of disadvantage (SEIFA) for Greater Geelong, compiled from census data and including factors such as income, educational attainment, unemployment and skilled jobs. A lower score (darker red) on the index means a higher level of disadvantage (for example, an area where residents have lower incomes and educational attainment, higher rates of unemployment and there are fewer skilled jobs). A higher score on the index (lighter colour) means a lower level of disadvantage.

7 Ibid.

8 Enterprise Geelong, economicprofile.com.au/Geelong/

Map 4: City Of Greater Geelong disadvantage index



Source: Australian Bureau of Statistics Senses of Population and Housing 2011, provided as socioeconomic indexes for areas (SEIFA) and compiled and presented in atlas.id by .id. the population experts.

APPENDIX 2

COMMISSION OF INQUIRY

FRAMEWORK FOR GOOD GOVERNANCE



DRIVES OUTCOMES



Principles and behaviours for Good Governance in Local Government (based on MAV Good Governance Guide)

- 1. Good Governance is accountable:** obligation to report, explain and be answerable for the consequences of decisions it has made on behalf of the community it represents.
- 2. Good Governance is transparent:** People should be able to follow and understand the decision making process – to see clearly how and why a decision was made and what information, advice and consultation council considered.
- 3. Good Governance follows the rule of law:** This means decisions are consistent with relevant LEGISLATION or common law and are within the powers of council.
- 4. Good Governance is responsive:** Local government should always try to serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.
- 5. Good governance is equitable and inclusive:** all community members feel their interests have been considered by council in the decision making process. All groups, particularly the most vulnerable should have opportunities to participate in the process.
- 6. Good governance is effective and efficient:** Local government should implement decisions and follow processes that make the best use of the available people, resources and time to ensure the best possible results for their community.
- 7. Good governance is participatory:** anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision.
- 8. Diversity:** In gender, ethnicity and age that reflects community through representative structures, consultative structures and employment practices.
- 9. Build and sustain good relationships:** between Mayor and Council, Council and administration.
- 10. Build trust:** establish good communication, clarify roles, keep an outward focus.
- 11. Decision making:** establish good processes through committees, be clear on delegations to ensure decisions balance community and municipal interests, are consistent with the Strategic Plan and take account of financial implications, are within the powers of Council and recognise natural justice principle.
- 12. Act with integrity and impartiality:** be honest and diligent, avoid conflicts of interest, treat people with respect, act lawfully and show leadership.

KEY PERFORMANCE INDICATORS



APPENDIX 3

RECOMMENDATIONS FROM COMMISSION OF INQUIRY

The Commission recommends that:

- 1) Greater Geelong City Council be dismissed and Administrators appointed to perform the powers, functions and duties of the Council until a new Council is elected.
- 2) A major transformational program be established by the Administrators, with the support of the incumbent CEO, to implement:
 - a) a thoroughgoing review of the organisation and its management; and
 - b) a comprehensive review of all Council policies, systems, processes and operations to ensure they meet contemporary governance standards.
- 3) Urgent priority be given to the development of a 20 to 30-year outcome-focused vision and strategy for the Council and the City developed in consultation with key business, community and other stakeholders.
- 4) The long-term vision and strategy guide Council's approach to investment in and advocacy for the economic development, population growth, environmental sustainability and community services of Greater Geelong. Subsequent development of long-term capital investment, business and advocacy plans to guide the Council's work for the City will be essential.
- 5) The four-year City Plan be reviewed and recast consistent with the long-term vision and strategy for Geelong and to provide the context for feasibility studies to underpin decisions affecting all Council expenditures on major assets.
- 6) The individual Councillor ward electoral system be replaced with multi-councillor wards to share representative responsibilities.
- 7) Support for Councillors be strengthened through secondment of experienced administrators as councillor liaison officers to coordinate Administration support to individual Councillors in the discharge of their responsibilities as elected officials. The liaison officers would exercise no executive discretion and have no authority to direct other Council staff.
- 8) The positions of Mayor and Deputy Mayor both be directly elected to strengthen support to the Mayor and enable a greater sharing of the workloads of office.
- 9) Appropriate, experienced resources be provided, at a level commensurate with those available in comparable Councils, to support the Mayor and Deputy Mayor in the performance of their roles and duties.
- 10) The accountability provisions of the Local Government Act be strengthened through the insertion of provisions to:
 - make it a responsibility of the chief executive officer to liaise with the mayor on the organisation's affairs and performance; and
 - establish a reciprocal obligation by councillors to work constructively with the Mayor to establish good working relationships and good governance of the Council; and
 - enable the removal of individual councillors, including the mayor, for reasons and in a manner similar to the existing provisions in the Act for the removal of all councillors.
- 11) An independent panel, chaired by an appropriately qualified external person, together with the Chief Executive Officer (as champion of cultural change) and a General Manager, be appointed for a period of two years to deal with staff complaints of bullying and harassment, including both current and outstanding complaints.
- 12) Action be initiated to consolidate Council departments in one central location to unify the organisation, deliver increased efficiency and productivity and release surplus assets for more economic uses.



APPENDIX 4

VOTE-COUNTING SYSTEMS

Candidates in local government elections are elected under one of two vote-counting systems — full preferential or proportional representation — depending on the electoral structure of the particular municipality.

Full preferential

In single-member wards, votes are counted under the full preferential system, also known as the majority preferential system. Under this system:

- the voter must specify a preference for every candidate
- all first-preference votes are counted for each candidate
- if a candidate receives an absolute majority of first-preference votes (that is, 50% of votes plus one), they are elected
- if no candidate receives an absolute majority, the candidate with the fewest first-preference votes is excluded and the second-preference votes from their ballot papers are transferred to the other candidates at full value
- if still no candidate has an absolute majority, the next candidate with fewest first-preference votes is excluded and their second-preference votes are transferred at full value
- this process continues until one candidate receives an absolute majority and they are elected
- a by-election is required when an extraordinary vacancy occurs and if the full preferential system was used at the previous election.

The full preferential system is used for the House of Representatives at the federal level; for the lower houses in Victoria, South Australia, Western Australia and the Northern Territory; and in many local government elections where a single candidate is to be elected. It aims to ensure that the elected candidate is acceptable to a majority of people who cast a formal vote.

Proportional representation

In multi-member ward and unsubdivided municipalities, the proportional representation system of vote counting is used to elect councillors. Under this system:

- the voter must specify a preference for every candidate
- all first-preference votes are counted for each candidate
- to be elected, a candidate must receive a quota.

A quota is the total number of formal votes divided by the number of candidates to be elected plus one, and then plus one. Put as a formula, this is:

$$\text{Quota} = (\text{Total number of formal votes}) / (\text{candidates to be elected} + 1) + 1$$

For example, if 5,000 formal votes are cast and four councillors are to be elected, the quota would be $5,000 / (4 + 1) + 1$, which is 1,001. Any candidate that receives more than the quota on first-preference votes is automatically elected.

Each elected candidate's surplus votes (if any) are transferred to the remaining candidates according to the preferences on the ballot papers. Because it is not possible to tell which votes elected the candidate and which are surplus, all the elected candidate's votes are

transferred, but at a value less than one. The value of the transferred votes is worked out by dividing the surplus by the total number of ballot papers for the candidate. Each ballot paper transferred to another candidate has this value. Put as a formula, this is:

$$\text{Transfer value} = \frac{\text{Surplus votes}}{\text{Total number of first-preference votes}}$$

For example, our candidate above who achieved the quota of 1,001 first-preference votes actually received 1,600 first-preference votes. They therefore had 599 surplus votes. Their transfer value is $599/1,600 = 0.374$.

Of their 1,600 first-preference votes, 405 of them had nominated Candidate B as a second preference. That candidate therefore received 151 votes (405×0.374), putting them that much closer to achieving the quota.

There may still be vacancies after the surplus votes of the candidates who have now achieved a quota have been distributed. If so, the candidate with the lowest number of votes is excluded and their ballot papers are then transferred to the remaining candidates (at the value at which they were received) according to the preferences on them.

A countback is conducted to fill extraordinary vacancies where proportional representation vote counting was used at the previous election. Votes cast for the vacating councillor at the previous election are redistributed to remaining candidates, rather than a by-election being held.

A council with a mix of single- and multi-member wards will use both vote-counting systems, depending on the structure of the ward.

Proportional representation aims to produce 'proportional' election results, where councillors are elected in proportion to the votes cast. It is used for the Senate and for the upper houses of New South Wales, Victoria, South Australia and Western Australia.



www.geelongcitizensjury.vic.gov.au